



DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

the specification of which:

(check one)

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MEANS AND METHODS FOR MONITORING NON-NUCLEOSIDE REVERSE TRANSCRIPTASE INHIBITOR ANTIRETROVIRAL THERAPY AND GUIDING THERAPEUTIC DECISIONS IN THE TREATMENT OF HIV/AIDS

	Application Serial	No. Not Yet Known		
	and was amended _		(if app	plicable)
I hereby state that including the claim	I have reviewed and und is, as amended by any am	dersiand the contents of dendment referred to above	ihe above-ident ve.	ified specification
l acionowledge the d to be material to po	uty to disclose to the U.S. nientability as defined in	. Paieni and Trademark (Tiile 37, Code of Federal	Office all inform Regulations, S	nation known to m ection 1.56.
365(b) of any fore International Apple	ign application(s) for pa ication which designated identified below any fore	Title 35. United States Content or inventor's certifical at least one country of the application for pater that of the earlies are the country of the earlies.	case, or Section her shan the U ns or invensor's	365(a) of any PC nited States, liste certificate, or PC
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Declaration and Power of Attorney	2	ruge :
I hereby claim the benefit under T provisional application(s) listed bel	itle 35. United States Code. S ow:	ection 119(e) of any United States
Provisional Application No.	Filing Date	<u>Status</u>
I hereby claim the benefit under Application(s), or Section 365(c) of listed below. Insofar as this application in any such prior Application in the Code, Section 112, I acknowledge the all information known to me to be Regulations, Section 1.56, which becaused the national or PCT internation.	ony PCI International Application discloses and claims subject manner provided by the first peduty to disclose to the United material to patentability as a lime available between the filing	tion(s) designating the Omited State I matter in addition to that discloses paragraph of Title 35. United State States Patent and Trademark Offic lefined in Title 37, Code of Federal date(s) of such prior Application(s
Application Serial No.	Filing Date	<u>Sianus</u>
		·

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. 38,232); Paul Teng (40,837); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923) and Raymond A. Diperna (Reg. No. 44,063).

and each of them. all c/o Cooper & Dunham LLP. 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.



Declaration and Power of Attorney

Please address all communications, and direct all telephone call, regarding this application to:

John P. White, Esq.	Reg. No	28,678	
Cooper & Dunham LLP			
1185 Avenue of the Americas			
New York, New York 10036			
Tel. (212) 278-0400			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Jeannette Whitcomb	
Inventor's signature	
Citizenship U.S.A.	Date of signature
Residence 633 Higland Avenue, Apartment	#4, San Mateo, CA 94401
Post Office Address same as above	
·	
r.	
Full name of sole or first joint inventor	
Inventor's signature	
Citizenship	Date of signature
Residence	
Post Office Address	
Tosi Office Address	
Full name of sole or first joint inventor	
Inventor's signature	
	_ Date of signature
Residence	
Post Office Address	

	Issued: Herewith
Title of	Invention or Patent: MEANS AND METHODS FOR MONITORING NON-NUCLEOSIDE
	REVERSE TRANSCRIPTASE INHIBITOR ANTIRETROVIRAL
	THERAPY AND GUIDING THERAPEUTIC DECISIONS IN THE
	TREATMENT OF HIV/AIDS
•	VERIFIED STATEMENT (DECLARATION) CLAIMING
	SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
	AND §1.27(d) - SMALL BUSINESS CONCERN
I hereby	declare that I am:
	the owner of the small business concern identified below.
X	an official of the small business concern empowered to act on behalf of t concern identified below:
Name of C	Oncern:ViroLogic, Inc
Address o	f Concern: 270 East Grand Avenue
	South San Francisco, CA 94080
part-time	employees of the business concern is the average number, over the previous ear, of the persons employed by the business concern on a full-time, or temporary basis during each pay period of the fiscal year, an are affiliates of each other when, either directly or indirectly, on
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Jeannette Whitcomb

Attorney's JPW/CMR

^aNOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

Applicant or Patentee:

^{*}See Reverse

- (c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or lic nse, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.
- (d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:
- §121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.
- (a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the averag over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.
- (b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.
- (e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. If C.F.R. \$1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful talse statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. \$1001, and that such willful false statements may juopatdize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:	Martin H. Goldstein
Title in Organization:	President
	270 East Grand Avenue
yqqtess:	South San Francisco, CA 94080
	Market Market
Signature:	SEPTEMBER 15 2000

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(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue f e is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlem nt to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to \$1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to \$1.34(a) of this part.